

**REMARKS**

Reconsideration and withdrawal of the objections to and rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance.

**I. STATUS OF CLAIMS AND FORMAL MATTERS**

Claims 1-21 are pending. Claims 1, 7, 13 and 15 are amended and new claims 18-21 are added, without prejudice.

No new matter is added by these amendments.

It is submitted that these claims are patentably distinct from the prior art cited by the Examiner, and that these claims are in full compliance with the requirements of 35 U.S.C. §112. The amendments and remarks herein are not made for the purpose of patentability within the meaning of 35 U.S.C. §§ 101, 102, 103 or 112; but rather the amendments and remarks are made simply for clarification and to round out the scope of protection to which Applicants are entitled. Support for the amended and new claims is found throughout the specification and from the pending claims.

**II. OBJECTIONS TO THE SPECIFICATION, ABSTRACT AND CLAIMS**

The specification, abstract and claims were objected to for alleged informalities. The amendments to the specification and claims, and the submission of a new abstract, render the objections moot. A new specification will be forwarded to the Examiner under separate cover with respect to the Examiner's objections to the line spacing.

Applicants disagree with the Examiner's allegations that essential material was improperly incorporated by reference to a foreign application. The Examiner's attention is directed to page 10, lines 7 *et seq.*, wherein the material of EP 0 961 209 is detailed.

Consequently, reconsideration and withdrawal of the objection to the specification, abstract and claims are respectfully requested.

### **III. 35 U.S.C. §102 REJECTIONS**

Claims 1-17 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 6,678,680 to Woo. The rejection is traversed.

The amendment to the claims for purposes of clarification render the rejection moot. Applicants also wish to outline a preferred embodiment of the instant invention for the Examiner's benefit. As claimed in step b of claim 1, a search is conducted among items of a database using similarity relation techniques to determine the ones to be selected for the sequence, as a function of whether or not they satisfy a determined closeness relation. As an initial condition, one item, or possibly more, is pre-entered in what is to become a sequence. Such an item/items constitutes/constitute the initial comparison reference, from which can be determined the closeness relation for the other items to be selected. An item for insertion into the sequence is then chosen as the most closely matching candidate of the database with respect to the comparison reference. If the latter is the last-selected candidate item, the chain of the sequence can be built up systematically, with the latest added item serving as the closeness reference for the next candidate item to be added, and so on.

The algorithm typically works by analyzing similarities between an existing item of the sequence and a candidate item for the sequence. In one embodiment, this candidate is the item that shall be contiguous to the existing item considered.

By contrast, the Woo patent does not seek to provide a *sequence* within the meaning of the present invention. Woo merely provides a list of possible song titles which correspond to a musical note sequence entered by the user. The object of Woo is to allow a user to find a song or a piece of music by entering some of the musical notes. However, rather than considering the absolute values of the notes, it analyzes the intervals between the notes in the succession of notes entered by the user.

Thus, at most, Woo yields just one search result, not a sequence, as instantly claimed. The example of the on-screen interface shown in figure 1 of Woo, and identified by the Examiner, gives a list of song titles 104. It is clear, however, that according to column 3, lines 44-51, the list is a display of all the encoded songs for the music search engine that can be searched, i.e., it is simply the contents of the database—or candidate items—and reflects no special ordering or sequencing as regards to the algorithm described.

Further, it is apparent that the Woo patent executes the search and algorithm analysis *within* a particular song title. In contrast to the instant invention, however, Woo does not, for example, seek connections or similarity relationships *between* titles in a sequence of song titles.

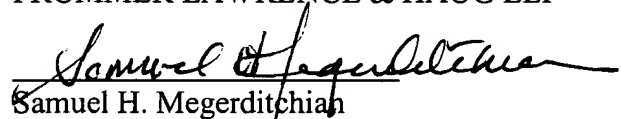
Consequently, reconsideration and withdrawal of the Section 102 rejection are respectfully requested.

**CONCLUSION**

By this Amendment, claims 1-21 should be allowed; and this application is in condition for allowance. Favorable reconsideration of the application, withdrawal of the rejections and objections, and prompt issuance of the Notice of Allowance are, therefore, all earnestly solicited.

Respectfully submitted,  
FROMMER LAWRENCE & HAUG LLP

By:



Samuel H. Megerditchian

Reg. No. 45,678

Tel: (212) 588-0800

Fax: (212) 588-0500